

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated December 2, 2004, indicated that claims 1-22 are rejected under 35 U.S.C. § 103(a) over Ginter *et al.* (U.S. Patent No. 5,892,981) in view of Bartoli *et al.* (U.S. Patent No. 6,047,268).

Several aspects of the Office Action cause Applicant to be confused. For example, claims 23-27 were apparently not entered and have been ignored. Applicant respectfully requests that the Examiner enter and address claims 23-27, which were added in the previous Office Action Response and Amendment filed on July 9, 2003. The Office Action also asserts that claims 16-22 disclose the same inventive concept as claims 1-15; however, claims 16-22 include several limitations not found in claims 1-15. Thus, claims 16-22 have been ignored as well. The Office Action again does not properly identify which reference is being relied upon for asserting the rejection. The Office Action indicates that claims 1-22 are rejected under Section 103(a) over U.S. Pat. No. 5,892,981 -- issuing in the name of *Ginter et al.* However, U.S. Pat. No. 5,892,981 did not issue in the name of *Ginter et al.* but rather in the name of *Wiggers*. Therefore, the relied-upon reference is ambiguously identified (by an inventor's name and by a contradicting U.S. Patent No.). The present rejection ignores almost half of Applicant's claims and fails to identify the reference relied upon for the rejection. In view of the above, Applicant respectfully traverses the Section 103(a) rejection because the Office Action fails to satisfy the basic requirements of 35 U.S.C. §132 and therefore fails to present a *prima facie* Section 103(a) rejection. Applicant accordingly requests that the rejection be withdrawn.

Applicant respectfully traverses the Section 103(a) rejection because the Office Action fails to present a combination of references that corresponds to the claimed invention. Neither the '981 reference nor another reference that the Examiner might be relying on (e.g., the 5,982,891 Ginter *et al.* reference) corresponds to the claimed invention. The Office Action asserts that Figs. 1-3 are generally relied upon as teaching the claimed subject matter. However, the subject matter of the '981 reference is directed

to a different area of technology and does not appear to teach any of the claimed limitations. The Ginter '891 figures also fail to teach at least the limitations directed to user profiles (claims 1-27) and subvendors (e.g., claims 5-6, 14-15). Moreover, with respect to claims 16-22 and in connection with the above discussion, the Office Action fails to identify any teachings corresponding to limitations directed to, for example, multiple levels of authorization (claim 17), two different payment-authorization levels (claim 18), and a central processing arrangement programmed and configured to provide correspondence between at least one of the levels of authorization to a requested transaction (claim 19). Without a presentation of evidence of correspondence to each of the claimed limitations, the Section 103(a) rejection cannot be maintained and Applicant requests that the rejection be withdrawn.

The Office Action also fails to present evidence of motivation to combine the cited references. The MPEP and relevant case law make clear a requirement for a showing of evidence that supports any suggested modification of a primary reference when asserting a Section 103(a) rejection. *See MPEP § 2143.01.* Applicant respectfully submits that the supporting rationale provided in the Office Action is based on mere conjecture that the proposed modification would achieve a result (e.g., ensure proper determination of whether to not to authorize a specific transaction). No evidence from either of the cited references has been identified as suggesting the proposed modification. Without a presentation of evidence of motivation to combine the cited references as asserted, the Section 103(a) rejection cannot stand and Applicant requests that the rejection be withdrawn.

Due to the above-discussed confusion as to which references are relied upon in support of the rejection, Applicant submits that the Section 103(a) rejection is improper for failing to present a *prima facie* rejection. Notwithstanding the impropriety of the rejection, Applicant further submits that the relied upon '268 reference is not prior art with respect to the claimed invention.

Applicant respectfully traverses the Section 103(a) rejection because the Office Action relies on a reference that is not prior art with respect to the instant invention. The instant application claims priority as a continuation-in-part, at least, to U.S. Patent No. 5, 910, 896, which was filed on November 12, 1996. This '896 filing date occurs before the

filing date of the cited ‘268 reference (November 4, 1997); therefore, the ‘268 reference is not prior art and cannot support the Office Action’s Section 103(a) rejection. Support for Applicant’s claim of priority to the ‘896 patent for the claimed subject matter may be found in the corresponding aspects of both the instant application and the ‘896 patent, such aspects including the figures and detailed descriptions. For example, figures 1-9 of the instant application and the ‘896 patent are identical; thus, the discussion of these figures also corresponds. Using instant claim 1 as an example, Applicant has included citations in parenthesis to this corresponding disclosure.

1. For transaction processing involving transaction information related to services provided by one of a plurality of vendors (e.g., carrier 22) and processed by one of a plurality of providers that sell merchant offerings (e.g., shipper 20), a transaction validation system (e.g., Fig. 1, generally) for auditing comprising: a central processor arrangement (e.g., 40) programmed and configured to maintain data relative to an authorized profile list criterion (e.g., 406-408 of Fig. 4) that includes information about authorized users empowered to authorize payment by the vendor (e.g., 506-510 of Fig. 5), and programmed and configured to process the transaction information by determining whether the transaction information satisfies the authorized profile list criterion (e.g., Figs. 4-5, generally), and using the authorized profile list criterion to generate information for auditing a transaction between said one of a plurality of vendors and said one of a plurality of providers (e.g., Fig. 9, generally).

As shown above, the ‘896 patent includes support for the claimed subject matter; thus, the priority claim to the ‘896 patent excludes the ‘268 reference as a viable prior art reference. Without a presentation of a combination of references that predate the claimed invention, the Section 103(a) rejection cannot be maintained. Applicant accordingly requests that the rejection be withdrawn.

Applicant has amended the first paragraph of the Specification to update the priority information. U.S. patent numbers have been inserted for the corresponding listed applications. Also, the filing date for the ‘896 patent has been corrected.

Moreover, Applicant has amended the independent claims to remove the adjective “service” from the claimed “providers.” This amendment does not alter the scope of the claimed subject matter as this characterization of the claimed “providers” was implicit in the previous claim language. The amendment was not made for any reasons related to

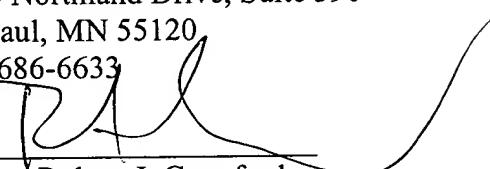
patentability and does not add new matter to the claims. Applicant maintains that each of the claims is in condition for allowance over the cited references.

In view of the above discussion, Applicant believes that the rejection has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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